

### REMARKS

Claims 1-3, 9, 13, and 16 are pending.

#### Prior art based issues

The following prior art based rejections are pending:

- (A) Claim 1 is rejected under 35 U.S.C. section §103(a) as obvious over **Kadoya** (US 2005/0185124); and
- (B) Claims 2-3, 13 and 16 are rejected under 35 U.S.C. section §103(a) as obvious over **Kadoya** in view of Ito (US 7,019,130).

Applicants note that both rejections rely on Kadoya, and that Ito does not, by itself, render the presently claimed invention unpatentable.

Applicants respectfully submit that the rejections are moot, since Kadoya US 2005/0185124 is not prior art to the present invention. The earliest date that Kadoya is available, is February 2, 2005 (under 35 USC 102(e)). However, the present invention has an effective US filing date of November 18, 2004.

#### Claim 9

Applicants note with appreciation that the Examiner has indicated that the subject matter of claim 9 is free from the art.

**CONCLUSION**


In light of the foregoing, Applicants respectfully submit that each and every item presented by the Examiner in this Office Action has been addressed. Favorable reconsideration of all of the claims as amended is earnestly solicited. Applicants submit the present application, with the foregoing remarks, is in a condition for allowance and respectfully request such allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: April 3, 2009

Respectfully submitted,

By 

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